IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION

Dated: Nainital: the 5th day of April, 2005
Bail application No. 294 of 2005
Order on the Bail Application of accused

CRIMINAL SIDE

Radhey Shyam @ Asha Ram @ Ram
S/o Buddhasen
R/o Mohanpur
Police Station - Pooranpur
District - Pilibhit .....Applicant

Versus

State of Uttaranchal .....Opposite Party

Arising out of case crime No. 264 of 2004
U/Ss 363, 366, 376 I.P.C.
Police Station - Sitarganj
District - Udham Singh Nagar

Hon'ble B.C. Kandpal, J.

The applicant has applied for bail in case crime no. 264 of 2004, U/Ss 363, 366, 376 I.P.C., Police Station - Sitarganj, District - Udham Singh Nagar.

Heard Sri Jagjit Singh Virk, learned counsel for the applicant, learned Addl.G.A. and perused the record.

The statement of the prosecutrix shows that she left her house with her own and had never been kidnapped by the applicant.

The prosecutrix has not alleged anything in her statement about this fact that she was subjected to rape by the applicant.

The applicant is in jail since October, 2004 and learned Addl.G.A. could not show any criminal history of the applicant before me.

Having considered the aforesaid circumstance, I think it is just and proper to release the applicant on bail at this stage.

Let the applicant, Radhey Shyam @ Asha Ram @ Ram be released on bail on executing personal bond and furnishing two sureties each in the like amount to the satisfaction of C.J.M. concerned.

(B.C. Kandpal, J.)

April 05, 2005
Shiv